

SENATOR CHAMBERS: Right.

SENATOR LANDIS: And that standard then is determined by the court from the sufficiency of evidence given by both parties as to what the actual value of the property being taken is. The city doesn't get to set their own price tag. The court can impose it based on the evidence they hear.

SENATOR CHAMBERS: And when we talk about market price based on the type of land we are talking about, do we mean just the ground or the price with that person's business on it?

SPEAKER BARRETT PRESIDING

SPEAKER BARRETT: One minute.

SENATOR HARTNETT: I think both, yes, the business, you would have to take that into consideration.

SENATOR CHAMBERS: Is that what the statute says?

SENATOR HARTNETT: Yes.

SENATOR LANDIS: That, by the way, is the market value. What a reasonable person in that situation should take to sell the land and that's...so the market value actually influences what that figure is going to be. The use to which it's now being put and the replacement value, the compensation necessary to be compensated for what you are losing is what the court is trying to achieve.

SENATOR CHAMBERS: Okay, here's what I'm looking at though. In some instances if a business is taken, there can be a requirement to replace that...to place that person someplace where they can carry on in that business. There are certain types of taking where that must occur. If that is not the case here, then they are taking...we might be putting the person who is going to lose the access in a worse position by just allowing the substitution. It might be better to...

SPEAKER BARRETT: Time has expired.

SENATOR HARTNETT: Okay.

SPEAKER BARRETT: Senator Hartnett, your light is on.